

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12502 of William and Diana Gardner pursuant to Paragraph 8207.11 of the Zoning Regulations for variance from the off-street parking requirements (Section 7202) and the play area requirements (Sub-paragraph 3104.34b) to permit a day care nursery in the R-4 District at the premises 129 S Street, N.W. (Square 3107, Lot 47).

HEARING DATE: October 25, 1977

DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located in an R-4 Zone District at 129 S Street, N.W.

2. The subject site is presently improved with a two story row house.

3. The applicant proposes the operation of a day care nursery to be known as the "Kitty Kat Child Development Home", with 40 children.

4. The proposed hours of operation would be from 7:00 a.m. to 6:30 p.m., Monday through Friday. The maximum enrollement is for forty children and five teachers.

5. Another day care center is operating out of the Greater Little Gospel Ark Church at the corner of Second and S Street which is less than one block from the subject site.

6. The Greater Little Gospel Ark Church's center is known as "Genesis". This center provides day care facilities for the immediate community and yet buses children in daily from the southeast area.

7. The subject site is approximately 1,610 square feet in area, with approximately 2,100 square feet on the first and second floor devoted to the nursery use. Of this 2,100 square feet of interior space the applicant has indicated that 1,000 square feet will be allocated to indoor play space.

8. Pursuant to Sub-paragraph 3104.34b a minimum of 100 square feet of play area on the same lot is required for each child. Thus a variance of 1,900 square feet is required.

9. The Regulations further require that two parking spaces be provided for each three teachers. Five teachers are proposed for this facility. Three parking spaces are required, none will be provided, and there is thus required a variance of three spaces.

10. The subject property is surrounded by two story row house structures similar in size and shape to the subject property.

11. The Municipal Planning Office by report dated October 21, 1977, recommended approval of this application, subject to the applicant satisfying the Board that adequate play space exist in nearby parking and playground.

12. There were several letters in the record of this case from surrounding property owners in opposition to this application on the grounds that too much noise would be generated in a row house of 1,610 square feet with an enrollment of 40 children. Opposition was also registered on the grounds that this area is amply served by the nursery school located within the subject square, and the danger involved with no off-street parking or facilities for dropping and picking up children.

13. There is no Advisory Neighborhood Commission report on this application.

CONCLUSIONS OF LAW AND OPINION:

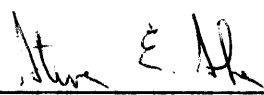
Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant can, as a matter of right, operate a nursery for approximately 21 students. The Board is of the opinion that, given the character of the surrounding area in residential use, the noise generated by forty students, without adequate play space will be objectionable to adjoining and nearby property. The Board further concludes that the subject site contains no exceptional extraordinary

or unique characteristics to distinguish it from other properties in the area. The Board also concludes that there is no overriding need for this facility in this neighborhood. It is therefore ORDERED that this application is hereby DENIED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Chloethiel Woodard Smith, and Leonard L. McCants)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER

Executive Director

FINAL DATE OF ORDER: _____

8 DEC 1977